

## **EXHIBIT 4**

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UNITED STATES DISTRICT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10106JLT

ZHANNA CHIZHIK,  
Plaintiff,

v.

SEA HUNT BOATS, INC., TROPICLAND  
MARINE AND TACKLE, INC.,  
Defendant.

DEPOSITION of **AMIR LASHGARI**, a witness called on  
behalf of the Defendant Sea Hunt Boats, Inc., taken  
pursuant to the applicable provisions of the  
Massachusetts Rules of Civil procedure, before John  
F. Kielty, a Notary Public in and for the  
Commonwealth of Massachusetts, at the Law Offices of  
Murphy, Hesse, Toomey & Lehane, 300 Crown Colony  
Drive, Quincy, Massachusetts, on Monday, May 16,  
2005, commencing at 2:20 p.m.

**JOHN F. KIELTY**  
2 Garrett Place  
Plymouth, Massachusetts 02360  
(508) 759-6767

1 11:00. I don't recall precisely.

2 Q. Where did you go from the Weymouth --

3 A. Just --

4 Q. -- boat area?

5 A. We just went into the water, into the  
6 ocean.

7 Q. What were the sea conditions like at the  
8 time that you left Weymouth?

9 A. It was -- it was, you know, regular, just --  
10 what do you mean, how, what was the condition of the  
11 sea? I mean, just nothing out of -- out of  
12 ordinary, just regular, average day.

13 Q. What I am referring to, sir, was whether it  
14 was smooth, choppy, wavy, or --

15 A. It was --

16 Q. -- any other way that you may describe it  
17 from your --

18 A. I would --

19 Q. -- observation?

20 A. -- say it's a little bit -- at times it was  
21 smooth. At times it was choppy.

22 Q. Did Mr. Zilberman at any time provide you  
23 with any materials concerning the boat that you were  
24 in, written materials, printed materials?

1 A. No, but I recall he told me that he was told  
2 that boat would not -- if it capsizes, it would flip  
3 back over. (Witness indicating.)

4 Q. What did --

5 A. I remember -- I remember talking about the  
6 new boat.

7 He says, "Oh, this one, if it -- if it  
8 overturns, it will flip back over to the original  
9 position." (Witness indicating.)

10 Q. When did Mr. Zilberman tell you that if the  
11 boat capsizes, it would flip back over?

12 A. When we were going in -- when we were in the  
13 water, going in, when we were in the boat going into  
14 the water, you know, going to the ocean.

15 Q. As you were leaving, you are talking --  
16 leaving to go out fishing, you are talking about  
17 what would happen if the boat capsized?

18 A. Yeah, because he was talking a lot of things  
19 about his new boat. He was showing off his new  
20 boat, how beautiful it was and how this and that.  
21 Yes.

22 Q. Did Mr. Zilberman permit you to drive the  
23 boat at all on the way out to fish?

24 A. No.